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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 WILLIAM LEON BOULDIN, JR

Civil No. 08-0217 L (AJB)

12  
13 Petitioner,

14 vs.

15 MICHAEL E. POULOS, Warden, et al.,

16 Respondents.

**ORDER TRANSFERRING ACTION  
TO UNITED STATES DISTRICT  
COURT FOR THE CENTRAL  
DISTRICT OF CALIFORNIA,  
EASTERN DIVISION**

17 Petitioner is a state prisoner proceeding with a habeas corpus action filed pursuant to  
18 28 U.S.C. § 2254 attacking a conviction from the Superior Court of San Bernardino, California.  
19 Petitioner has also paid the filing fee. Upon reviewing the petition, the Court finds that this case  
20 should be transferred in the interest of justice.

21 A petition for writ of habeas corpus may be filed in the United States District Court of  
22 either the judicial district in which the petitioner is presently confined or the judicial district in  
23 which he was convicted and sentenced. *See* 28 U.S.C. § 2241(d); *Braden v. 30th Judicial*  
24 *Circuit Court*, 410 U.S. 484, 497 (1973). The application in the present matter attacks a  
25 conviction in the Superior Court of San Bernardino, California, which is within the jurisdictional  
26 boundaries of the United States District Court for the Central District, Eastern

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1 Division. *See* 28 U.S.C. § 84(c)(1). Moreover, Petitioner is presently confined at the California  
2 Institution for Men, which is also located in San Bernardino County and is within the  
3 jurisdictional boundaries of the United States District Court for the Central District of California,  
4 Eastern Division. *See id.* Thus, jurisdiction exists in the Central District; and not in the  
5 Southern District.

6 Although this Court does not have jurisdiction over the action, “[u]nder a provision of the  
7 Federal Courts Improvement Act, 28 U.S.C. § 1631, if a court finds that there is a want of  
8 jurisdiction the court shall transfer the action to any other such court in which the action could  
9 have been brought ‘if it is in the interest of justice.’” *Miller v. Hambrick*, 905 F.2d 259, 262 (9th  
10 Cir. 1990) (citing *In re McCauley*, 814 F.2d 1350, 1351-52 (9th Cir. 1987)). The Ninth Circuit  
11 has held that transferring a habeas corpus proceeding to a district with proper jurisdiction will  
12 be in the interest of justice because normally dismissal of an action that could be brought  
13 elsewhere is “time-consuming and justice-defeating.” *Miller*, 905 F.2d at 262 (quoting  
14 *Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 467 (1962)). Therefore, pursuant to 28 U.S.C. § 1631,  
15 this Court may transfer this proceeding to a district with proper jurisdiction under 28 U.S.C.  
16 § 2241(d).

17 When a habeas petitioner is challenging a state conviction, the district court of the district  
18 in which a petitioner was convicted and sentenced is a more convenient forum because of the  
19 accessibility of evidence, records and witnesses. Thus, it is generally the practice of the district  
20 courts in California to transfer habeas actions challenging a state conviction to the district in  
21 which the Petitioner was convicted. Any and all records, witnesses and evidence necessary for  
22 the resolution of Petitioner’s contentions are more readily available in San Bernardino County,  
23 which is thus a more convenient forum. *See Braden*, 410 U.S. at 497, 499 n.15 (stating that a

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1 court can, of course, transfer habeas cases to the district of conviction which is ordinarily a more  
2 convenient forum); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3 Therefore, in the furtherance of justice, **IT IS ORDERED** that the Clerk of this Court  
4 transfer this matter to the United States District Court for the Central District of California,  
5 Eastern Division. *See* 28 U.S.C. § 2241(d). **IT IS FURTHER ORDERED** that the Clerk of  
6 this Court serve a copy of this Order upon Petitioner and upon the California Attorney General.  
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8 DATED: February 12, 2008

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10 M. James Lorenz  
11 United States District Court Judge  
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